



Office of Injured Employee Counsel

Indemnity Dispute Resolution Process

Disputes concerning compensability, extent of injury, ability to work, or the amount of income benefits due are called indemnity disputes.



Many times the Office of Injured Employee Counsel (OIEC) is able to help resolve an indemnity dispute that comes up in a workers' compensation claim without the need for formal dispute resolution; however, if the dispute cannot be resolved informally, there is a formal dispute resolution process.

An OIEC Ombudsman can assist an injured employee free of charge through each step of the dispute resolution process at the Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC). OIEC Ombudsmen assist unrepresented injured employees through the dispute resolution process. An injured employee will be required to attend one or more proceedings. If the disputed issues are not resolved at one level then the dispute may progress to the next level, as described below.

Benefit Review Conference (BRC): Non-binding mediation held in a field office designed to mediate and resolve disputes. A TDI-DWC Benefit Review Officer conducts the conference and is an impartial individual trained to help parties resolve disputes. Injured employees are allowed to have two, one-hour Benefit Review Conferences per disputed issue. If the issues are not resolved, either party may request a Contested Case Hearing.

Contested Case Hearing (CCH): A formal hearing conducted by a TDI-DWC Administrative Law Judge which lasts about two hours. Witnesses testify under oath and a record of the hearing is created for future reference. Evidence is exchanged and presented to the Administrative Law Judge who issues a binding decision in writing. A party that disagrees with the decision may file an appeal with the TDI-DWC Appeals Panel. If the Administrative Law Judge's decision is not timely appealed, it becomes final.

Appeals Panel Review: An Appeals Panel is made up of three judges assigned to review the CCH Administrative Law Judge's decision. The panel makes a determination if the law was correctly applied. The panel may issue a new decision, affirm a decision, or send the decision back to the Administrative Law Judge for further review. This is the last step in the dispute resolution process that OIEC participates in assisting injured employees.

Judicial Review: OIEC cannot help at this level because it is statutorily barred from Judicial Review. A party that is not satisfied with the final decision of TDI-DWC may request a Judicial Review and new evidence may be added. The petition must be filed with the appropriate District Court in the County where the injury took place.

For more additional information, please contact the
Office of Injured Employee Counsel
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